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*Counsel for Plaintiff and the Putative Class*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

DAVID M. LUCAS,  
On Behalf of Himself and Those  
Similarly Situated

Plaintiff,

vs.

JOS. A. BANK CLOTHIERS, INC.,

Defendant.

Case No. 14-cv-01631-LAB-JLB

**PLAINTIFF'S NOTICE OF MOTION  
AND MOTION TO VOLUNTARILY  
DISMISS WITH PREJUDICE**

Date: August 15, 2016

Time: 11:30am

Courtroom: 14A

Judge: Hon. Larry Alan Burns

Action Filed: July 9, 2014

**NOTICE OF MOTION AND MOTION**

TO DEFENDANT AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT on August 15, 2016, at 11:30 a.m., in

Courtroom 14A of the above-entitled Court, located at 221 West Broadway, San

1 Diego, California, 92101, before the Honorable Larry Alan Burns, Plaintiff will, and  
2 hereby does, respectfully move the Court, pursuant to Federal Rules of Civil  
3 Procedure 41(a)(2), to voluntarily dismiss Plaintiff David Lucas's pending claims  
4 against Defendant with prejudice.

5 This motion is based on this notice of motion and motion; Plaintiff's  
6 supporting memorandum; the pleadings, records, and papers on file in this action; and  
7 all other matters properly before this Court.

8 Plaintiff met-and-conferred with Defendant's Counsel regarding this motion.  
9 Defendant opposes this motion.

10  
11 Dated: July 14, 2016

Respectfully submitted,

12 /s/ Hassan A. Zavareei

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24 ***Counsel for Plaintiff and the Putative Class***

**CERTIFICATE OF SERVICE**

I, Hassan Zavareei, on this 14th day of July 2016, hereby certify that foregoing document was filed via the Court's CM ECF system, thereby causing a true and correct copy to be sent to all ECF-registered counsel of record.

s/ Hassan Zavareei

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